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Order Regarding Motion for Sentence Reduction

UNITED STATES DISTRICT COURT

NORTHERN

District of

NEW YORK

UNITED STATES OF AMERICA

vs.

ELLIOTT FREELON

**ORDER REGARDING MOTION FOR
SENTENCE REDUCTION PURSUANT TO 18
U.S.C. § 3582(c)(2)**

Case

Number: 5:07-cr-027

USM

Number: 12074-052Lisa Peebles, Esq.

Defendant's Attorney

Date of Previous Judgment: December 5, 2007

(Use Date of Last Amended Judgment if Applicable)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:☒ DENIED.**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)Previous Offense Level: 26Amended Offense Level: 24

Criminal History Category:

Criminal History Category:

Previous Guideline Range:

Amended Guideline Range:

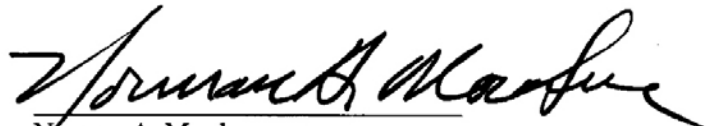
II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE☐ The reduced sentence is within the amended guideline range.☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.☐ Other (explain): _____**III. ADDITIONAL COMMENTS**

The reduction pursuant to 18 U.S.C. § 3582 was already calculated into defendant's sentence, imposed on November 19 2007.

IT IS SO ORDERED.March 13, 2009

Order Date

Effective Date (if different from order date)



Norman A. Mordue

Chief United States District Court Judge